

REMARKS**A. Status of the Claims and Explanation of the amendment**

Claims 1, 2, 4, 6-15, 17, 19, 21, 23, 25, 28-40 have been cancelled. The pending claims are: 3, 5, 16, 18, 20, 22, 24, 26 and 27.

Applicant had submitted an amendment on September 22, 2006. However, entry of the amendment had been refused on the grounds that the amendment provokes a new search. Although Applicant disagrees since the claims have been narrowed by the amendment, in the interest of expediting the examination, the present amendment is being submitted to adopt the suggestion of the Examiner discussed at the interview.

Claim 3 has been amended to recite a composition consisting essentially of Group III base oils and an alkylated naphthalene wherein the naphthalene is alkylated by two alkyl groups, each being a C₆ to C₃₀ alkyl. It is believe that the amended claim 3 avoids the objection to negative claiming raised at the interview. The phrase "with the balance being" has also been removed to overcome the objection of indefiniteness. Claim 5 is amended to recite that composition further consists of an additive package to conform to the language of claim 3 on which it depends.

Claims 24, 26 and 27 are amended to depend on claim 3 for proper dependency.

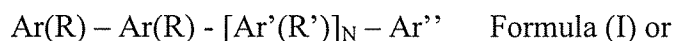
Support for the present amendment is found in Examples 1-4 of the specification and in the originally submitted claims. No new matter is presented. The present amendment is made to place the claims in condition for allowance and does not provoke a new search. The suggestion for the amendment is appreciated. Entry of the amendment is requested.

B. The amended Claims are Patentable over the Cited References

Originally submitted Claims 3, 5, 16, 18, 22, 24, 26 and 27 stand rejected as being unpatentable over Kostusyk in view of Xiao under 35 U.S.C. §103(a). Reconsideration of the rejection in view of the present amendment is requested.

As amended, Claim 3 now recites a composition consisting essentially of 50 to about 90 weight percent of Group III oils and an alkylated naphthalene wherein the naphthalene is alkylated by at least two alkyl C₆ to C₃₀ groups.

A review of Kostusyk clearly shows that it describes a mixture of a mixture of “pour point depressants”:



With Ar, Ar' and Ar'' independently being an aromatic ring substituted with 0 to 3 substituents and the aromatic rings being preferably fused benzene rings. See Col. 3, lines 10-26 and 59-65 pf Kostusyk. It is clear that the compounds of Formula (I) and Formula (II) are oligomeric compounds. No where does Kostusyk describe, teach or suggest pour point depressants that can be an alkylated naphthalene.

As amended claim 3 and the claims dependent thereon are directed to a composition consisting essentially of Group III base oils and an alkylated naphthalene. Although Kostusyk disclosed that in addition to Formula (I) or Formula (II) his composition may further comprise naphthalene compounds, his composition require the presence of oligomeric compounds of Formula (I) or Formula(II). Whereas, as amended claim 3 excludes the presence of such compounds.

Xiao is cited for disclosing Group II or Group III base oils. It is clear that Xiao does not disclose, teach or suggest a composition of claim 3, Applicant does not see how Xiao alleviates the deficiencies of Kostusyk. A combination of Kostusyk with Xiao will still require the presence of oligomeric compounds of Formula (I) or Formula (II). The Examiner had pointed to the language used in prior claim 3 of “comprising” as the basis for the rejection and suggested that amending the claim to recite “consisting essentially of” is likely to overcome Kostusyk.

Thus, the rejection of the pending claims in view of the combination of Kostusyk and Xiao should be withdrawn as not meeting the legal requirements under 35 U.S.C. §103(a). Reconsideration for the above reasons is respectfully requested.

Applicant wish to express appreciation of the courtesy extended by the Examiner and his Supervisor during the interview. Applicant believes that the amendment presented claims that are allowable. An early allowance is earnestly requested.

CONCLUSION

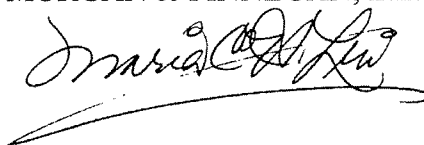
Based on the foregoing amendments and remarks, Applicants respectfully request reconsideration and withdrawal of the rejection of claims and allowance of this application.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. **13-4500**, Order No. 0444-4083US1. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

In the event that an extension of time is required, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. **13-4500**, Order No. 0444-4083US1. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.



Dated: January 16, 2007

By: _____

Maria C.H. Lin
Registration No. 29,323

Correspondence Address:

MORGAN & FINNEGAN, L.L.P.
3 World Financial Center
New York, NY 10281-2101
(212) 415-8700 Telephone
(212) 415-8701 Facsimile